



Washington State Bar Association

COUNCIL ON PUBLIC DEFENSE
NOVEMBER 19, 2021, 9:30AM TO 12:00AM VIRTUAL/VIDEOCONFERENCE
MINUTES

CPD voting members: Travis Stearns (Chair), Jason Schwarz (Vice-Chair), Arian Noma, Justice Sheryl Gordan McCloud, Larry Jefferson, Mohammad Hamoudi, Christie Hedman, Rebecca Stith, Kathy Kyle, Judge Drew Henke, Paul Holland, Louis Frantz, Jonathan Nomamiukor, Anita Khandelwal, Leandra Craft, Rachel Cortez, Abe Ritter, Chris Swaby

CPD Emeritus members (non-voting members): Ann Christian, Bob Boruchowitz, Eileen Farley

WSBA Staff: Bonnie Sterken

Guests: Marla Zink, Sophia Byrd McSherry, Shoshana Kehoe, Andrew Peterson, Kevin Flannery, Maialisa Vanyo,

Absent: Brenda Williams, Judge Patricia Fassett, Jason Bragg, Matt Heintz, Matt Anderson

Minutes: The October minutes were approved without edits.

Gender and Justice Report – 2021: How Gender and Race Affect Justice Now: Justice Gordon McCloud gave the background of the report, including the background of the first 1989 report and the elements missing from it, and what they were trying to accomplish with the updated report. Marla Zink provided more information on the data that was collected and what was learned in the updated report. They addressed questions and the Council had a discussion.

Office of Public Defense Report: Larry Jefferson shared a reflection of the Gender and Justice report, including how the system continues to harm communities. He shared about a trip to Montgomery Alabama to learn about the civil rights movement, his learnings about restorative justice, and trying to share more about those practices. He is committed to creating a trauma informed system that helps people as soon as they need it and building a model to reduce trauma. Larry shared that the Youth to Access Program is starting January 1. Staff from OPD testified in front of the legislature yesterday about what is happening with Blake as they seek funding to facilitate a triage program.

Washington Defender Association Report: Christie Hedman shared about the Defender Well-Being Program that is addressing mental health issues in members and clients. They have also been focusing on the Defender Rising Program that is addressing defender recruitment issues, working with OPD and WSBA to look at these issues especially in rural areas. They are preparing for the legislative session. They are looking at Blake issues and ways WDA can help the process. Sentencing reform in general is a large priority and they are looking at strategies to pass bills. They are working with community groups and families impacted by police violence to address how

those cases are addressed. They have the funding for the post-conviction grant that they are partnering on with the Seattle Clemency Project, with a kickoff in January.

Committee Reviews: Travis encouraged members to learn about the current committees and considering joining. He invited members to let the Council know if there are other issues that the Council should consider establishing a committee.

Race Equity Committee: Rebecca Stith reported on the work of the Committee. The next Committee meeting will be December 3 at 10:45pm – 12pm. The committee was created this year to first look at recruitment for the CPD, which begins early in the year. The Committee has been on hiatus for a few months but recently met to continue the work. The focus on recruitment was to enhance and diversify the membership of the Council. Recruitment documents were updated to reflect the Council's commitment to racial diversity and equity. The Committee has reviewed the demographics of the Council and evaluated how past recruitment was done and how those efforts can be made more uniform. They are working on bringing in Barbara Harris and possibly someone from WSBA to conduct a training for the Council. They are also looking at the structure of the Council (i.e., meeting times, ways the Council meets) to increase inclusivity. The Council had a discussion and noted the need to increase diversity and inclusion in public defense as a profession.

Standards Committee: Bob Boruchowitz reported that he will share a PowerPoint about the history of the Council on the listserv. Standards were a major part of the Council's creation and are at the core of what the Council does. The Standards Committee is currently looking at how to define "fully supported". They have addressed that defender are not fully supported and open caseloads have become a major problem because of the pandemic. The Committee is doing a survey with WDA that will begin to provide some data to address fully supported and open caseloads. Simultaneously, several folks in public defense have met to discuss potentially developing a workload study. Some folks working on this at a national level are aiming to release a study next year. These issues relate to recruitment and retention as well. The Committee is meeting on December 3 at 9:15am.

Standards Statement: Bob Boruchowitz presented the draft Statement that was included in the meeting materials. The Committee recommends that the full CPD endorse the statement to help defenders talk to their funders about their workload situation and how it can be addressed. The Statement connects workloads to caseloads. Bob moved to approve the Statement and Christie seconded the motion. The Council had a discussion and Bob addressed questions. All approved with no abstentions or nays (Justice Gordon McCloud was not present). Bob will clean up this draft and will include a supplemental template.

Other Business: Travis shared that they are looking at ways to adjust the schedule to not overlap with other Court Commission meetings. The members shared that they are generally open to looking at different Fridays or afternoons/late afternoon/early evening, and possibly other days of the week. We'll put together a short survey in the next couple of weeks about moving times.

The meeting adjourned at 11:57 am